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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,327	07/01/2003	David A. Boyd	BOYD-002CIA	3811
28661	7590	05/27/2004	EXAMINER	
SIERRA PATENT GROUP, LTD. P O BOX 6149 STATELINE, NV 89449			FERNSTROM, KURT	
			ART UNIT	PAPER NUMBER
			3712	
DATE MAILED: 05/27/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/612,327	<b>Applicant(s)</b> BOYD, DAVID A.	
	<b>Examiner</b> Kurt Fernstrom	<b>Art Unit</b> 3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/12/04</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Potter. Jones discloses in column 5, lines 34-60 a method of playing craps where cards, numbered one through six, are used in lieu of dice. Jones fails to disclose that a predetermined result is paid when both cards are of the same suit. Potter discloses in column 1, lines 35-48 a method of playing a card game whereby the player receives two cards, and receives a payout if the cards are suited. It would have been obvious to one of ordinary skill in the relevant art to modify the method disclosed by Jones by providing cards having suits, and giving the player a payout if the two cards are suited, for the purpose of creating an additional way for a player to win a payout. Potter also discloses in lines 40-45 an additional payment for meeting an additional criteria; namely the rank of the cards. This teaching also reads on the limitations of claim 3. With respect to claims 5 and 6, Potter further discloses that a player places a wager on the given criteria occurring, and receives a corresponding payout. With respect to claim 7, Official Notice is taken that it is well known in card games to provide a plurality of decks in a game to thwart "card counting". With respect

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to claim 8, Official Notice is further taken that it is well known in card games to return used cards to the deck prior to playing the next round of the game.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Potter, and further in view of Hobert. Jones as viewed in combination with Potter discloses all of the limitations of the claim with the exception of identical values being used to determine a payout. However, such a feature is well known in the art, as disclosed for example by Hobert in column 4, lines 13-18. It would have been obvious to one of ordinary skill in the relevant art to modify the method disclosed by Jones as viewed in combination with Potter by providing a payout for "doubles" for the purpose of providing an additional way for the player to win a payout.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Potter, and further in view of Brown. Jones as viewed in combination with Potter discloses all of the limitations of the claim with the exception of a predetermined suit being used to determine a payout. However, such a feature is known in the art. Brown discloses in column 4, lines 15-20 a game where an ace of hearts and a Jack of spades constitutes a winning hand, thus suggesting the use of a specific suit to trigger a payout. It would have been obvious to one of ordinary skill in the relevant art to modify the method disclosed by Jones as viewed in combination with Potter by providing a payout for a particular suit for the purpose of providing an additional way for the player to win a payout.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stasi, Feinberg, Rubin and Angileri disclose various methods of playing craps games.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Fernstrom whose telephone number is (703) 305-0303. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KF  
May 25, 2004

*Kurt Fernstrom*  
Kurt Fernstrom